

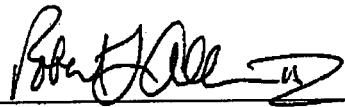
IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

GIANT EAGLE, INC., a Pennsylvania	)	CIVIL ACTION
corporation,	)	
	)	Case No. 04-1211
Plaintiff,	)	
	)	JURY TRIAL DEMANDED
vs.	)	
	)	
BTS WEST MIFFLIN L.P., a Delaware	)	
limited partnership,	)	
	)	
Defendant.	)	

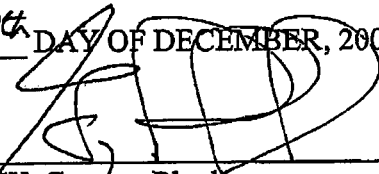
**STIPULATION OF DISMISSAL OF ACTION WITH PREJUDICE**

Plaintiff, Giant Eagle, Inc. and Defendant BTS West Mifflin LP, having reached an amicable settlement, and hereby stipulate to the dismissal of all claims pending in the above-captioned action pursuant to Rule 41(a) of the Federal Rules of Civil Procedure. It is further stipulated by all parties that such dismissal is with prejudice.


IT IS SO STIPULATED AND AGREED THIS 7<sup>th</sup> DAY OF DECEMBER, 2005:

  
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Counsel for Defendant,  
BTS West Mifflin, L.P.

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AND NOW, this 8<sup>th</sup>  
day of Dec, 2005,  
It is so ordered.  
  
UNITED STATES DISTRICT JUDGE